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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/709,809	11/09/2000	Rich Bontrager	462-99-015	4959

128 7590 08/25/2005

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EXAMINER

ART UNIT	PAPER NUMBER
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Non-Compliant Appeal Biref (see attached)

David D. Knepper  
Primary Examiner  
Art Unit: 2654

1. The summary of invention contained in the brief is deficient because it fails to concisely explain the claimed subject matter with respect to specific drawings nor is there any specific reference by page and line number as required by 37 CFR 1.192 (c)(5). See MPEP 1206 which requires:

“Where applicable, it is preferable to read the appealed claims on the specification and any drawing. While reference to page and line number of the specification may require somewhat more detail than simply summarizing the invention, it is considered important to enable the Board to more quickly determine where the claimed subject matter is described in the application.”

2. Issues and Grouping of claims do not explicitly appear in the required order and with the required headings but at least some of the arguments should be acceptable since they appear in at least one heading (see MPEP 1206). It appears that the applicant's representative has modified the required format. 37 CFR 1.192(c) requires:

“The brief shall contain the following items under appropriate headings and in the order indicated below unless the brief is filed by an applicant who is not represented by a registered practitioner...”

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Knepper whose telephone number is (571) 272-7607. The examiner can normally be reached on Monday-Thursday from 07:30 a.m.-6:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil, can be reached on (571) 272-7602.

For the Group 2600 receptionist or customer service call (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Inquiries regarding the status of submissions relating to an application or questions on the Private PAIR system should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028 between the hours of 6 a.m. and midnight Monday through Friday EST, or by email at [ebc@uspto.gov](mailto:ebc@uspto.gov). For general information about the PAIR system, see <http://pair-direct.uspto.gov>.



David D. Knepper  
Primary Examiner  
**Art Unit 2654**  
August 17, 2005